

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To improve the amendment.

**IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.****S.517**

To authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. JEFFORDS, and Mr. MCCAIN) to the amendment (No. 3239) proposed by Mr. BROWNBACK to the amendment (No. 2917) proposed by Mr. DASCHLE

Viz:

1 Strike all after the title heading and insert the fol-  
2 lowing:

3 **SEC. 1101. PURPOSE.**

4 The purpose of this title is to establish a greenhouse  
5 gas inventory, reductions registry, and information system  
6 that—

1           (1) are complete, consistent, transparent, and  
2           accurate;

3           (2) will create reliable and accurate data that  
4           can be used by public and private entities to design  
5           efficient and effective greenhouse gas emission re-  
6           duction strategies; and

7           (3) will acknowledge and encourage greenhouse  
8           gas emission reductions.

9   **SEC. 1102. DEFINITIONS.**

10       In this title:

11           (1) ADMINISTRATOR.—The term “Adminis-  
12           trator” means the Administrator of the Environ-  
13           mental Protection Agency.

14           (2) BASELINE.—The term “baseline” means  
15           the historic greenhouse gas emission levels of an en-  
16           tity, as adjusted upward by the designated agency to  
17           reflect actual reductions that are verified in accord-  
18           ance with—

19                   (A) regulations promulgated under section  
20                   1104(c)(1); and

21                   (B) relevant standards and methods devel-  
22                   oped under this title.

23           (3) DATABASE.—The term “database” means  
24           the National Greenhouse Gas Database established  
25           under section 1104.

1           (4) DESIGNATED AGENCY.—The term “des-  
2           ignated agency” means a department or agency to  
3           which responsibility for a function or program is as-  
4           signed under the memorandum of agreement entered  
5           into under section 1103(a).

6           (5) DIRECT EMISSIONS.—The term “direct  
7           emissions” means greenhouse gas emissions by an  
8           entity from a facility that is owned or controlled by  
9           that entity.

10          (6) ENTITY.—The term “entity” means—

11                (A) a person located in the United States;

12                or

13                (B) a public or private entity, to the extent  
14                that the entity operates in the United States.

15          (7) FACILITY.—The term “facility” means—

16                (A) all buildings, structures, or installa-  
17                tions located on any 1 or more contiguous or  
18                adjacent properties of an entity in the United  
19                States; and

20                (B) a fleet of 20 or more motor vehicles  
21                under the common control of an entity.

22          (8) GREENHOUSE GAS.—The term “greenhouse  
23                gas” means—

24                (A) carbon dioxide;

25                (B) methane;

1 (C) nitrous oxide;  
2 (D) hydrofluorocarbons;  
3 (E) perfluorocarbons;  
4 (F) sulfur hexafluoride; and  
5 (G) any other anthropogenic climate-fore-  
6 ing emissions with significant ascertainable  
7 global warming potential, as—

8 (i) recommended by the National  
9 Academy of Sciences under section  
10 1107(b)(3); and

11 (ii) determined in regulations promul-  
12 gated under section 1104(c)(1) (or revi-  
13 sions to the regulations) to be appropriate  
14 and practicable for coverage under this  
15 title.

16 (9) INDIRECT EMISSIONS.—The term “indirect  
17 emissions” means greenhouse gas emissions that—

18 (A) are a result of the activities of an enti-  
19 ty; but

20 (B)(i) are emitted from a facility owned or  
21 controlled by another entity; and

22 (ii) are not reported as direct emissions by  
23 the entity the activities of which resulted in the  
24 emissions.

1           (10) REGISTRY.—The term “registry” means  
2           the registry of greenhouse gas emission reductions  
3           established as a component of the database under  
4           section 1104(b)(2).

5           (11) SEQUESTRATION.—

6                 (A) IN GENERAL.—The term “sequestra-  
7                 tion” means the capture, long-term separation,  
8                 isolation, or removal of greenhouse gases from  
9                 the atmosphere.

10                (B) INCLUSIONS.—The term “sequestra-  
11                tion” includes—

- 12                         (i) soil carbon sequestration;
- 13                         (ii) agricultural and conservation  
14                         practices;
- 15                         (iii) reforestation;
- 16                         (iv) forest preservation;
- 17                         (v) maintenance of an underground  
18                         reservoir; and
- 19                         (vi) any other appropriate biological  
20                         or geological method of capture, isolation,  
21                         or removal of greenhouse gases from the  
22                         atmosphere, as determined by the Adminis-  
23                         trator.

1 **SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREE-**  
2 **MENT.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the President, acting  
5 through the Director of the Office of National Climate  
6 Change Policy, shall direct the Secretary of Energy, the  
7 Secretary of Commerce, the Secretary of Agriculture, the  
8 Secretary of Transportation, and the Administrator to  
9 enter into a memorandum of agreement under which those  
10 heads of Federal agencies will—

11 (1) recognize and maintain statutory and regu-  
12 latory authorities, functions, and programs that—

13 (A) are established as of the date of enact-  
14 ment of this Act under other law;

15 (B) provide for the collection of data relat-  
16 ing to greenhouse gas emissions and effects;  
17 and

18 (C) are necessary for the operation of the  
19 database;

20 (2)(A) distribute additional responsibilities and  
21 activities identified under this title to Federal de-  
22 partments or agencies in accordance with the mis-  
23 sions and expertise of those departments and agen-  
24 cies; and

25 (B) maximize the use of available resources of  
26 those departments and agencies; and

1           (3) provide for the comprehensive collection and  
2           analysis of data on greenhouse gas emissions relat-  
3           ing to product use (including the use of fossil fuels  
4           and energy-consuming appliances and vehicles).

5           (b) MINIMUM REQUIREMENTS.—The memorandum  
6           of agreement entered into under subsection (a) shall, at  
7           a minimum, retain the following functions for the des-  
8           ignated agencies:

9           (1) DEPARTMENT OF ENERGY.—The Secretary  
10          of Energy shall be primarily responsible for devel-  
11          oping, maintaining, and verifying the registry and  
12          the emission reductions reported under section  
13          1605(b) of the Energy Policy Act of 1992 (42  
14          U.S.C. 13385(b)).

15          (2) DEPARTMENT OF COMMERCE.—The Sec-  
16          retary of Commerce shall be primarily responsible  
17          for the development of—

18                 (A) measurement standards for the moni-  
19                 toring of emissions; and

20                 (B) verification technologies and methods  
21                 to ensure the maintenance of a consistent and  
22                 technically accurate record of emissions, emis-  
23                 sion reductions, and atmospheric concentrations  
24                 of greenhouse gases for the database.

1           (3) ENVIRONMENTAL PROTECTION AGENCY.—

2           The Administrator shall be primarily responsible  
3           for—

4                   (A) emissions monitoring, measurement,  
5                   verification, and data collection under this title  
6                   and title IV (relating to acid deposition control)  
7                   and title VIII of the Clean Air Act (42 U.S.C.  
8                   7651 et seq.), including mobile source emissions  
9                   information from implementation of the cor-  
10                  porate average fuel economy program under  
11                  chapter 329 of title 49, United States Code;  
12                  and

13                   (B) responsibilities of the Environmental  
14                   Protection Agency relating to completion of the  
15                   national inventory for compliance with the  
16                   United Nations Framework Convention on Cli-  
17                   mate Change, done at New York on May 9,  
18                   1992.

19           (4) DEPARTMENT OF AGRICULTURE.—The Sec-  
20           retary of Agriculture shall be primarily responsible  
21           for—

22                   (A) developing measurement techniques  
23                   for—

24                           (i) soil carbon sequestration; and



1 (ii) forest preservation and reforest-  
2 ation activities; and

3 (B) providing technical advice relating to  
4 biological carbon sequestration measurement  
5 and verification standards for measuring green-  
6 house gas emission reductions or offsets.

7 (c) DRAFT MEMORANDUM OF AGREEMENT.—Not  
8 later than 15 months after the date of enactment of this  
9 Act, the President, acting through the Director of the Of-  
10 fice of National Climate Change Policy, shall publish in  
11 the Federal Register, and solicit comments on, a draft  
12 version of the memorandum of agreement described in  
13 subsection (a).

14 (d) NO JUDICIAL REVIEW.—The final version of the  
15 memorandum of agreement shall not be subject to judicial  
16 review.

17 **SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.**

18 (a) ESTABLISHMENT.—As soon as practicable after  
19 the date of enactment of this Act, the designated agencies,  
20 in consultation with the private sector and nongovern-  
21 mental organizations, shall jointly establish, operate, and  
22 maintain a database, to be known as the “National Green-  
23 house Gas Database”, to collect, verify, and analyze infor-  
24 mation on greenhouse gas emissions by entities.

1 (b) NATIONAL GREENHOUSE GAS DATABASE COM-  
2 PONENTS.—The database shall consist of—

3 (1) an inventory of greenhouse gas emissions;  
4 and  
5 (2) a registry of greenhouse gas emission reduc-  
6 tions.

7 (c) COMPREHENSIVE SYSTEM.—

8 (1) IN GENERAL.—Not later than 2 years after  
9 the date of enactment of this Act, the designated  
10 agencies shall jointly promulgate regulations to im-  
11 plement a comprehensive system for greenhouse gas  
12 emissions reporting, inventorying, and reductions  
13 registration.

14 (2) REQUIREMENTS.—The designated agencies  
15 shall ensure, to the maximum extent practicable,  
16 that—

17 (A) the comprehensive system described in  
18 paragraph (1) is designed to—

19 (i) maximize completeness, trans-  
20 parency, and accuracy of information re-  
21 ported; and

22 (ii) minimize costs incurred by entities  
23 in measuring and reporting greenhouse gas  
24 emissions; and

1 (B) the regulations promulgated under  
2 paragraph (1) establish procedures and proto-  
3 cols necessary—

4 (i) to prevent the reporting of some or  
5 all of the same greenhouse gas emissions  
6 or emission reductions by more than 1 re-  
7 porting entity;

8 (ii) to provide for corrections to errors  
9 in data submitted to the database;

10 (iii) to provide for adjustment to data  
11 by reporting entities that have had a sig-  
12 nificant organizational change (including  
13 mergers, acquisitions, and divestiture), in  
14 order to maintain comparability among  
15 data in the database over time;

16 (iv) to provide for adjustments to re-  
17 flect new technologies or methods for  
18 measuring or calculating greenhouse gas  
19 emissions; and

20 (v) to account for changes in registra-  
21 tion of ownership of emission reductions  
22 resulting from a voluntary private trans-  
23 action between reporting entities.

24 (3) BASELINE IDENTIFICATION AND PROTEC-  
25 TION.—Through regulations promulgated under

1 paragraph (1), the designated agencies shall develop  
2 and implement a system that provides—

3 (A) for the provision of unique serial num-  
4 bers to identify the verified emission reductions  
5 made by an entity relative to the baseline of the  
6 entity;

7 (B) for the tracking of the reductions asso-  
8 ciated with the serial numbers; and

9 (C) that the reductions may be applied, as  
10 determined to be appropriate by any Act of  
11 Congress enacted after the date of enactment of  
12 this Act, toward a Federal requirement under  
13 such an Act that is imposed on the entity for  
14 the purpose of reducing greenhouse gas emis-  
15 sions.

16 **SEC. 1105. GREENHOUSE GAS REDUCTION REPORTING.**

17 (a) IN GENERAL.—An entity that participates in the  
18 registry shall meet the requirements described in sub-  
19 section (b).

20 (b) REQUIREMENTS.—

21 (1) IN GENERAL.—The requirements referred  
22 to in subsection (a) are that an entity (other than  
23 an entity described in paragraph (2)) shall—

1 (A) establish a baseline (including all of  
2 the entity's greenhouse gas emissions on an en-  
3 tity-wide basis); and

4 (B) submit the report described in sub-  
5 section (c)(1).

6 (2) REQUIREMENTS APPLICABLE TO ENTITIES  
7 ENTERING INTO CERTAIN AGREEMENTS.—An entity  
8 that enters into an agreement with a participant in  
9 the registry for the purpose of a carbon sequestra-  
10 tion project shall not be required to comply with the  
11 requirements specified in paragraph (1) unless that  
12 entity is required to comply with the requirements  
13 by reason of an activity other than the agreement.

14 (c) REPORTS.—

15 (1) REQUIRED REPORT.—Not later than April  
16 1 of the third calendar year that begins after the  
17 date of enactment of this Act, and not later than  
18 April 1 of each calendar year thereafter, subject to  
19 paragraph (3), an entity described in subsection (a)  
20 shall submit to each appropriate designated agency  
21 a report that describes, for the preceding calendar  
22 year, the entity-wide greenhouse gas emissions (as  
23 reported at the facility level), including—

24 (A) the total quantity of each greenhouse  
25 gas emitted, expressed in terms of mass and in

1 terms of the quantity of carbon dioxide equiva-  
2 lent;

3 (B) an estimate of the greenhouse gas  
4 emissions from fossil fuel combusted by prod-  
5 ucts manufactured and sold by the entity in the  
6 previous calendar year, determined over the av-  
7 erage lifetime of those products; and

8 (C) such other categories of emissions as  
9 the designated agency determines in the regula-  
10 tions promulgated under section 1104(c)(1)  
11 may be practicable and useful for the purposes  
12 of this title, such as—

13 (i) direct emissions from stationary  
14 sources;

15 (ii) indirect emissions from imported  
16 electricity, heat, and steam;

17 (iii) process and fugitive emissions;  
18 and

19 (iv) production or importation of  
20 greenhouse gases.

21 (2) VOLUNTARY REPORTING.—An entity de-  
22 scribed in subsection (a) may (along with estab-  
23 lishing a baseline and reporting reductions under  
24 this section)—

1 (A) submit a report described in paragraph  
2 (1) before the date specified in that paragraph  
3 for the purposes of achieving and  
4 commoditizing greenhouse gas reductions  
5 through use of the registry; and

6 (B) submit to any designated agency, for  
7 inclusion in the registry, information that has  
8 been verified in accordance with regulations  
9 promulgated under section 1104(c)(1) and that  
10 relates to—

11 (i) with respect to the calendar year  
12 preceding the calendar year in which the  
13 information is submitted, and with respect  
14 to any greenhouse gas emitted by the  
15 entity—

16 (I) project reductions from facili-  
17 ties owned or controlled by the report-  
18 ing entity in the United States;

19 (II) transfers of project reduc-  
20 tions to and from any other entity;

21 (III) project reductions and  
22 transfers of project reductions outside  
23 the United States;

1 (IV) other indirect emissions that  
2 are not required to be reported under  
3 paragraph (1); and

4 (V) product use phase emissions;

5 (ii) with respect to greenhouse gas  
6 emission reductions activities of the entity  
7 that have been carried out during or after  
8 1990, verified in accordance with regula-  
9 tions promulgated under section  
10 1104(c)(1), and submitted to 1 or more  
11 designated agencies before the date that is  
12 4 years after the date of enactment of this  
13 Act, any greenhouse gas emission reduc-  
14 tions that have been reported or submitted  
15 by an entity under—

16 (I) section 1605(b) of the Energy  
17 Policy Act of 1992 (42 U.S.C.  
18 13385(b)); or

19 (II) any other Federal or State  
20 voluntary greenhouse gas reduction  
21 program; and

22 (iii) any project or activity for the re-  
23 duction of greenhouse gas emissions or se-  
24 questration of a greenhouse gas that is



1 carried out by the entity, including a  
2 project or activity relating to—

3 (I) fuel switching;

4 (II) energy efficiency improve-  
5 ments;

6 (III) use of renewable energy;

7 (IV) use of combined heat and  
8 power systems;

9 (V) management of cropland,  
10 grassland, or grazing land;

11 (VI) a forestry activity that in-  
12 creases forest carbon stocks or re-  
13 duces forest carbon emissions;

14 (VII) carbon capture and stor-  
15 age;

16 (VIII) methane recovery;

17 (IX) greenhouse gas offset in-  
18 vestment; and

19 (X) any other practice for achiev-  
20 ing greenhouse gas reductions as rec-  
21 ognized by 1 or more designated agen-  
22 cies.

23 (3) EXEMPTIONS FROM REPORTING.—

24 (A) IN GENERAL.—If the Director of the  
25 Office of National Climate Change Policy deter-

1 mines under section 1108(b) that the reporting  
2 requirements under paragraph (1) shall apply  
3 to all entities (other than entities exempted by  
4 this paragraph), regardless of participation or  
5 nonparticipation in the registry, an entity shall  
6 be required to submit reports under paragraph  
7 (1) only if, in any calendar year after the date  
8 of enactment of this Act—

9 (i) the total greenhouse gas emissions  
10 of at least 1 facility owned by the entity  
11 exceeds 10,000 metric tons of carbon diox-  
12 ide equivalent (or such greater quantity as  
13 may be established by a designated agency  
14 by regulation); or

15 (ii)(I) the total quantity of greenhouse  
16 gases produced, distributed, or imported by  
17 the entity exceeds 10,000 metric tons of  
18 carbon dioxide equivalent (or such greater  
19 quantity as may be established by a des-  
20 ignated agency by regulation); and

21 (II) the entity is not a feedlot or other  
22 farming operation (as defined in section  
23 101 of title 11, United States Code).

24 (B) ENTITIES ALREADY REPORTING.—

1 (i) IN GENERAL.—An entity that, as  
2 of the date of enactment of this Act, is re-  
3 quired to report carbon dioxide emissions  
4 data to a Federal agency shall not be re-  
5 quired to re-report that data for the pur-  
6 poses of this title.

7 (ii) REVIEW OF PARTICIPATION.—For  
8 the purpose of section 1108, emissions re-  
9 ported under clause (i) shall be considered  
10 to be reported by the entity to the registry.

11 (4) PROVISION OF VERIFICATION INFORMATION  
12 BY REPORTING ENTITIES.—Each entity that submits  
13 a report under this subsection shall provide informa-  
14 tion sufficient for each designated agency to which  
15 the report is submitted to verify, in accordance with  
16 measurement and verification methods and stand-  
17 ards developed under section 1106, that the green-  
18 house gas report of the reporting entity—

19 (A) has been accurately reported; and

20 (B) in the case of each voluntary report  
21 under paragraph (2), represents—

22 (i) actual reductions in direct green-  
23 house gas emissions—

24 (I) relative to historic emission  
25 levels of the entity; and

- 1 (II) net of any increases in—  
2 (aa) direct emissions; and  
3 (bb) indirect emissions de-  
4 scribed in paragraph (1)(C)(ii);  
5 or  
6 (ii) actual increases in net sequestra-  
7 tion.

8 (5) FAILURE TO SUBMIT REPORT.—An entity  
9 that participates or has participated in the registry  
10 and that fails to submit a report required under this  
11 subsection shall be prohibited from including emis-  
12 sion reductions reported to the registry in the cal-  
13 culation of the baseline of the entity in future years.

14 (6) INDEPENDENT THIRD-PARTY  
15 VERIFICATION.—To meet the requirements of this  
16 section and section 1106, a entity that is required  
17 to submit a report under this section may—

18 (A) obtain independent third-party  
19 verification; and

20 (B) present the results of the third-party  
21 verification to each appropriate designated  
22 agency.

23 (7) AVAILABILITY OF DATA.—

1 (A) IN GENERAL.—The designated agen-  
2 cies shall ensure, to the maximum extent prac-  
3 ticable, that information in the database is—

- 4 (i) published;  
5 (ii) accessible to the public; and  
6 (iii) made available in electronic for-  
7 mat on the Internet.

8 (B) EXCEPTION.—Subparagraph (A) shall  
9 not apply in any case in which the designated  
10 agencies determine that publishing or otherwise  
11 making available information described in that  
12 subparagraph poses a risk to national security.

13 (8) DATA INFRASTRUCTURE.—The designated  
14 agencies shall ensure, to the maximum extent prac-  
15 ticable, that the database uses, and is integrated  
16 with, Federal, State, and regional greenhouse gas  
17 data collection and reporting systems in effect as of  
18 the date of enactment of this Act.

19 (9) ADDITIONAL ISSUES TO BE CONSIDERED.—  
20 In promulgating the regulations under section  
21 1104(c)(1) and implementing the database, the des-  
22 ignated agencies shall take into consideration a  
23 broad range of issues involved in establishing an ef-  
24 fective database, including—

1 (A) the appropriate units for reporting  
2 each greenhouse gas;

3 (B) the data and information systems and  
4 measures necessary to identify, track, and  
5 verify greenhouse gas emission reductions in a  
6 manner that will encourage the development of  
7 private sector trading and exchanges;

8 (C) the greenhouse gas reduction and se-  
9 questration methods and standards applied in  
10 other countries, as applicable or relevant;

11 (D) the extent to which available fossil  
12 fuels, greenhouse gas emissions, and greenhouse  
13 gas production and importation data are ade-  
14 quate to implement the database;

15 (E) the differences in, and potential  
16 uniqueness of, the facilities, operations, and  
17 business and other relevant practices of persons  
18 and entities in the private and public sectors  
19 that may be expected to participate in the reg-  
20 istry; and

21 (F) the need of the registry to maintain  
22 valid and reliable information on baselines of  
23 entities so that, in the event of any future ac-  
24 tion by Congress to require entities, individually

1 or collectively, to reduce greenhouse gas emis-  
2 sions, Congress will be able—

3 (i) to take into account that informa-  
4 tion; and

5 (ii) to avoid enacting legislation that  
6 penalizes entities for achieving and report-  
7 ing reductions.

8 (d) ANNUAL REPORT.—The designated agencies shall  
9 jointly publish an annual report that—

10 (1) describes the total greenhouse gas emissions  
11 and emission reductions reported to the database  
12 during the year covered by the report;

13 (2) provides entity-by-entity and sector-by-sec-  
14 tor analyses of the emissions and emission reduc-  
15 tions reported;

16 (3) describes the atmospheric concentrations of  
17 greenhouse gases; and

18 (4) provides a comparison of current and past  
19 atmospheric concentrations of greenhouse gases.

20 **SEC. 1106. MEASUREMENT AND VERIFICATION.**

21 (a) STANDARDS.—

22 (1) IN GENERAL.—Not later than 1 year after  
23 the date of enactment of this Act, the designated  
24 agencies shall jointly develop comprehensive meas-  
25 urement and verification methods and standards to

1 ensure a consistent and technically accurate record  
2 of greenhouse gas emissions, emission reductions, se-  
3 questration, and atmospheric concentrations for use  
4 in the registry.

5 (2) REQUIREMENTS.—The methods and stand-  
6 ards developed under paragraph (1) shall address  
7 the need for—

8 (A) standardized measurement and  
9 verification practices for reports made by all en-  
10 tities participating in the registry, taking into  
11 account—

12 (i) protocols and standards in use by  
13 entities desiring to participate in the reg-  
14 istry as of the date of development of the  
15 methods and standards under paragraph  
16 (1);

17 (ii) boundary issues, such as leakage  
18 and shifted use;

19 (iii) avoidance of double counting of  
20 greenhouse gas emissions and emission re-  
21 ductions; and

22 (iv) such other factors as the des-  
23 ignated agencies determine to be appro-  
24 priate;



1 (B) measurement and verification of ac-  
2 tions taken to reduce, avoid, or sequester green-  
3 house gas emissions;

4 (C) in coordination with the Secretary of  
5 Agriculture, measurement of the results of the  
6 use of carbon sequestration and carbon recap-  
7 ture technologies, including—

8 (i) organic soil carbon sequestration  
9 practices; and

10 (ii) forest preservation and reforest-  
11 ation activities that adequately address the  
12 issues of permanence, leakage, and  
13 verification;

14 (D) such other measurement and  
15 verification standards as the Secretary of Com-  
16 merce, the Secretary of Agriculture, the Admin-  
17 istrator, and the Secretary of Energy determine  
18 to be appropriate; and

19 (E) other factors that, as determined by  
20 the designated agencies, will allow entities to  
21 adequately establish a fair and reliable meas-  
22 urement and reporting system.

23 (b) REVIEW AND REVISION.—The designated agen-  
24 cies shall periodically review, and revise as necessary, the  
25 methods and standards developed under subsection (a).

1       (c) PUBLIC PARTICIPATION.—The Secretary of Com-  
2 merce shall—

3           (1) make available to the public for comment,  
4       in draft form and for a period of at least 90 days,  
5       the methods and standards developed under sub-  
6       section (a); and

7           (2) after the 90-day period referred to in para-  
8       graph (1), in coordination with the Secretary of En-  
9       ergy, the Secretary of Agriculture, and the Adminis-  
10      trator, adopt the methods and standards developed  
11      under subsection (a) for use in implementing the  
12      database.

13      (d) EXPERTS AND CONSULTANTS.—

14           (1) IN GENERAL.—The designated agencies  
15      may obtain the services of experts and consultants  
16      in the private and nonprofit sectors in accordance  
17      with section 3109 of title 5, United States Code, in  
18      the areas of greenhouse gas measurement, certifi-  
19      cation, and emission trading.

20           (2) AVAILABLE ARRANGEMENTS.—In obtaining  
21      any service described in paragraph (1), the des-  
22      ignated agencies may use any available grant, con-  
23      tract, cooperative agreement, or other arrangement  
24      authorized by law.

1 **SEC. 1107. INDEPENDENT REVIEWS.**

2 (a) IN GENERAL.—Not later than 5 years after the  
3 date of enactment of this Act, and every 3 years there-  
4 after, the Comptroller General of the United States shall  
5 submit to Congress a report that—

6 (1) describes the efficacy of the implementation  
7 and operation of the database; and

8 (2) includes any recommendations for improve-  
9 ments to this title and programs carried out under  
10 this title—

11 (A) to achieve a consistent and technically  
12 accurate record of greenhouse gas emissions,  
13 emission reductions, and atmospheric con-  
14 centrations; and

15 (B) to achieve the purposes of this title.

16 (b) REVIEW OF SCIENTIFIC METHODS.—The des-  
17 ignated agencies shall enter into an agreement with the  
18 National Academy of Sciences under which the National  
19 Academy of Sciences shall—

20 (1) review the scientific methods, assumptions,  
21 and standards used by the designated agencies in  
22 implementing this title;

23 (2) not later than 4 years after the date of en-  
24 actment of this Act, submit to Congress a report  
25 that describes any recommendations for improving—

26 (A) those methods and standards; and

1 (B) related elements of the programs, and  
2 structure of the database, established by this  
3 title; and

4 (3) regularly review and update as appropriate  
5 the list of anthropogenic climate-forcing emissions  
6 with significant global warming potential described  
7 in section 1102(8)(G).

8 **SEC. 1108. REVIEW OF PARTICIPATION.**

9 (a) IN GENERAL.—Not later than 5 years after the  
10 date of enactment of this Act, the Director of the Office  
11 of National Climate Change Policy shall determine wheth-  
12 er the reports submitted to the registry under section  
13 1105(c)(1) represent less than 60 percent of the national  
14 aggregate anthropogenic greenhouse gas emissions.

15 (b) INCREASED APPLICABILITY OF REQUIRE-  
16 MENTS.—If the Director of the Office of National Climate  
17 Change Policy determines under subsection (a) that less  
18 than 60 percent of the aggregate national anthropogenic  
19 greenhouse gas emissions are being reported to the  
20 registry—

21 (1) the reporting requirements under section  
22 1105(c)(1) shall apply to all entities (except entities  
23 exempted under section 1105(c)(3)), regardless of  
24 any participation or nonparticipation by the entities  
25 in the registry; and

1           (2) each entity shall submit a report described  
2           in section 1105(c)(1)—

3           (A) not later than the earlier of—

4                   (i) April 30 of the calendar year im-  
5                   mediately following the year in which the  
6                   Director of the Office of National Climate  
7                   Change Policy makes the determination  
8                   under subsection (a); or

9                   (ii) the date that is 1 year after the  
10                  date on which the Director of the Office of  
11                  National Climate Change Policy makes the  
12                  determination under subsection (a); and

13          (B) annually thereafter.

14          (c) RESOLUTION OF DISAPPROVAL.—For the pur-  
15          poses of this section, the determination of the Director of  
16          the Office of National Climate Change Policy under sub-  
17          section (a) shall be considered to be a major rule (as de-  
18          fined in section 804(2) of title 5, United States Code) sub-  
19          ject to the congressional disapproval procedure under sec-  
20          tion 802 of title 5, United States Code.

21   **SEC. 1109. ENFORCEMENT.**

22          If an entity that is required to report greenhouse gas  
23          emissions under section 1105(c)(1) or 1108 fails to comply  
24          with that requirement, the Attorney General may, at the  
25          request of the designated agencies, bring a civil action in

1 United States district court against the entity to impose  
2 on the entity a civil penalty of not more than \$25,000  
3 for each day for which the entity fails to comply with that  
4 requirement.

5 **SEC. 1110. REPORT ON STATUTORY CHANGES AND HARMO-**  
6 **NIZATION.**

7 Not later than 3 years after the date of enactment  
8 of this Act, the President shall submit to Congress a re-  
9 port that describes any modifications to this title or any  
10 other provision of law that are necessary to improve the  
11 accuracy or operation of the database and related pro-  
12 grams under this title.

13 **SEC. 1111. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums  
15 as are necessary to carry out this title.